

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

THERESA ALLEN,	§	
INDIVIDUALLY,	§	
E.T.A by and through Theresa	§	
Allen, and K.T.A. by and through	§	
Theresa Allen,	§	
Plaintiffs	§	
v.	§	CIVIL ACTION NO. 4:11-CV-04170
	§	JURY TRIAL REQUESTED
TEXAS DEPARTMENT OF	§	
FAMILY AND PROTECTIVE	§	
SERVICES, ET AL. ,	§	
Defendants	§	

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DEFENDANT YOLANDA ALPOUGH'S OBJECTIONS AND RESPONSES TO  
PLAINTIFFS' FIRST SET OF INTERROGATORIES

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**TO:** Plaintiff Theresa Allen, individually and as next friend to K.T.A. and E.T.A., by and through their attorneys of record: Chris Branson, 5380 West 34<sup>th</sup> St., #221, Houston, Texas 77092, Steven D. Pooch P.O. Box. 984, Sugar Land, Texas 77487, and Tom Sanders P.O. Box. 1860 Sugar Land, Texas 77478.

**COMES NOW**, Defendant, Yolanda Alpough, by and through her attorney of record, the Attorney General of the State of Texas, and, pursuant to Federal Rule of Civil Procedure 33, serves her Responses and Objections to Plaintiffs' First Set of Interrogatories to Defendant Yolanda Alpough.

Respectfully submitted,

GREG ABBOTT  
Attorney General of Texas

DANIEL T. HODGE  
First Assistant Attorney General

DAVID C. MATTAX  
Deputy Attorney General for  
Defense Litigation

JAMES "BEAU" ECCLES  
Division Chief - General Litigation

/s/ Gunnar P. Seaquist  
GUNNAR P. SEAQUIST,  
Assistant Attorney General  
Office of the Attorney General  
P.O. Box 12548  
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(512) 463-2120  
(512) 320-0667- facsimile

ATTORNEYS FOR  
DEFENDANT ALPOUGH

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been sent via certified mail, return receipt requested on this the 10<sup>th</sup> day of December, 2012, to:

Chris Branson  
5380 West 34th Street #221  
Houston, Texas 77092  
Attorney in Charge for  
Plaintiff Theresa Allen

Tom Sanders  
P.O. Box 1860  
Sugar Land, Texas 77478  
Attorney in Charge for  
Plaintiff K.T.A.

Steven D. Poock  
P.O. Box 984  
Sugar Land, Texas 77487  
Attorney in Charge for  
Plaintiff E.T.A.

/s/ Gunnar P. Seaquist  
GUNNAR P. SEAQUIST  
Assistant Attorney General

Defendant also objects that this request is vague and ambiguous in its use of the phrase "led to the decision" to remove, as it is unclear specifically what information is sought. Subject to the foregoing objections, and preserving the same, Defendant responds that the basis for removal may be determined by examining the business records of DFPS relating to the investigation of abuse and neglect, and subsequent removal and placement in foster care, of E.T.A. and K.T.A. See, DFPS 1 - 162, 431 - 54 and 1907 - 1925.

**INTERROGATORY 9:** Describe the training you have received from the Department of Family and Protective Services on the Fourth Amendment to the United States Constitution relative to entry into homes and removal of children.

**ANSWER:** Defendant took a course entitled "What Every Caseworker Needs to Know About the 4th Amendment" which was offered in the late 2008/early 2009 timeframe. A copy of the training is being produced at DFPS 2328 - 94.

**INTERROGATORY 10:** Describe the reasons for the removal of E.T.A. and K.T.A, including the following:

- a. the circumstances that led CPS agents or employees to believe an emergency situation existed.
- b. All details about the manner of making the removal.

**ANSWER:** Defendant objects that this request is overbroad as it impermissibly seeks to have Defendant exhaustively state its defenses in this case. This information is more appropriately sought through deposition rather than an interrogatory. Subject to the foregoing objections, and preserving the same, Defendant responds that the answer to this interrogatory may be determined by examining the business records of DFPS relating to the investigation of abuse and neglect, and subsequent removal and placement in foster care, of E.T.A. and K.T.A. Subject to these objections, and preserving the same, see documents related to the investigation at DFPS 1 - 162, 431 - 54 and 1907 - 1925. See also, 1888 - 1906.

**INTERROGATORY 11:** Describe each and every reason why you restricted Theresa Allen's access to E.T.A. and K.T.A. during the investigation and resulting Suit Affecting Parent Child Relationship lawsuit at issue in this case.

**ANSWER:** Other than conducting the removal as instructed, Defendant Alpough did not restrict Theresa Allen's access to E.T.A. and K.T.A.

**INTERROGATORY 12:** Describe each and every action you took to identify relative placements for E.T.A. and K.T.A. after they were removed from Theresa Allen.